



CASE VA/H-33198

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

KNAPE ET AL.

APPLICATION NO: 09/776,787

FILED: FEBRUARY 4, 2003

FOR: INACTIVE BOVINE SCOURS VACCINES, PROCESS AND
METHOD OF PREVENTING BOVINE SCOURS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATEMENT OF PUBLIC AVAILABILITY OF BIOLOGICAL MATERIAL

I, David L. Marks, Registration Number 37,881, am the duly appointed attorney of record for the above referenced patent application.

I, hereby state, that the biological material in the above referenced patent application is *Clostridium perfringens* Type C, GL47 and has been deposited with American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20109 on February 1, 2001 and assigned ATCC Designation Number PTA-3000. American Type Culture Collection is an International Depository Authority under the provisions of the Budapest Treaty.

All restrictions upon public access to the deposit will be waived should a U.S. Patent be issued citing the deposited biological material. While the American Type Culture Collection acknowledges that the deposited biological material was viable, should the culture die, be destroyed, or unviable samples cannot be dispensed during the effective term of the deposit, the Applicants will replace the deposited biological material.

Attached is a copy of American Type Culture Collection's Receipt issued on February 21, 2001, acknowledging the deposit of this biological material and the viability of the biological material.

Respectfully submitted,

David L. Marks
Attorney for Applicants
Reg. No. 37,881

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080
(862) 778-7922
Date: August 26, 2003

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Grand Laboratories, Inc.
Attn: Ralph L. Pierce
1447 140th Street
Larchwood, IA 51241

Deposited on Behalf of: Grand Laboratories, Inc.

Identification Reference by Depositor:
Clostridium perfringens Type C: GL47

Patent Deposit Designation
PTA-3000

The deposit was accompanied by: ___ a scientific description ___ a proposed taxonomic description indicated above.

The deposit was received February 1, 2001 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.


If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested February 7, 2001. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Tanya Nunnally, Patent Specialist, Patent Depository

Date: February 21, 2001

cc: Julie Bernard